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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,696	02/09/2001	Takaya Sato	8292. 012	6751

7590 05/21/2004
APEX JURIS PLLC
13194 Edgewater Lane Northeast
Seattle, WA 98125

EXAMINER

BELL, BRUCE F

ART UNIT PAPER NUMBER

1746

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/779,696	Applicant(s) SATO ET AL.	
	Examiner Bruce F. Bell	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>05182004</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-21, 31-34 and 39-43 drawn to a method of manufacturing an electrode with radiation, classified in class 427, subclass 372.2.
 - II. Claims 22-25, drawn to a battery, classified in class 429, subclass 231.9.
 - III. Claims 26-30, drawn to a double layer capacitor, classified in class 361, subclass 502.
 - IV. Claims 35-36, 44 and 45, drawn to a method of manufacturing a capacitor, classified in class 438, subclass 239.
 - V. Claims 37 and 38, drawn to a method of manufacturing an electrode without radiation, classified in class 29, subclass 623.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as a method of manufacturing an electrode with infrared radiation and a battery, respectively. The battery as a final product can be made by a materially different method than that of the electrode and therefore the search for the battery is different than that of the method of making the electrode.

Inventions I and III are related as a method of manufacturing an electrode with infrared radiation and a double layer capacitor, respectively. The double layer capacitor as a final product can be made by a materially different method than that of the electrode and therefore the search for the capacitor is different than that of the method of making the electrode.

Inventions I and IV are related as a method of making an electrode and a method for making a double layer capacitor, respectively. The method of making the electrode does not require spaced electrodes and an electrolyte there between. Therefore, the methods of making the double layer capacitor is different than that of the electrode and the search is different than that of the method of making the electrode.

Inventions II and III are related as the battery and the double layer capacitor, respectively. The search for the battery is different than that for the double layer capacitor.

Inventions II and IV are related as a battery and a method of manufacturing a capacitor, respectively. The search for the battery is different than that for the method of manufacturing a capacitor.

Inventions II and V are related as a battery and a method of manufacturing an electrode without radiation. The search for the battery is different than that for the method of manufacturing an electrode.

Inventions III and IV are related as a double layer capacitor and a method of manufacturing a double layer capacitor, respectively. The double layer capacitor can be made by a materially different process such as by mixing the components of the electrode and heat curing or air drying or sintering the electrode composition.

Inventions III and V are related as a double layer capacitor and a method of manufacturing an electrode, respectively. The search for the double layer capacitor is different than that for the method of manufacturing the electrode.

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2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. A telephone call was made to Mr. Matthew Johnson on May 7, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BFB
May 18, 2004


Bruce F. Bell
Primary Examiner
Art Unit 1746